

An employee may be transferred from one position to another position in the same or comparable classifications upon direction of the City Manager after consultation with the employee. No employee shall be transferred to a position for which the employee is not qualified.

Section 16. Overtime and Premium Pay

Section 16.1 Overtime

Authorized work performed by classifications other than those listed in "Section 17.4 Management Leave" shall receive pay or compensatory time at the rate of one and one-half times the employee's regular rate for authorized work performed in excess of eight (8) consecutive hours, or those beyond the employee's regularly scheduled hours, whichever is greater, in any one (1) day (exclusive of lunch period). Absent extenuating circumstances, all overtime must be approved in advance by a supervisor

Except in the event of an emergency, an employee who leaves the workplace due to injury or illness shall not be eligible for overtime, call back, or standby pay until the employee's next regularly-scheduled workday.

(a) An employee of the library, whose regularly scheduled working hours do not provide for two (2) consecutive regular days off within a seven (7) day work period shall be paid a five percent (5%) premium to the regular straight-time rate of pay for each hour actually worked on the day which would regularly constitute one of two consecutive days off.

(b) Employees in the classification of Field Supervisor may choose whether to receive Management Leave as outlined in Section 17.4, or overtime. Such choice shall be effective March 12, 2001, and may be altered before July 1, 2001 for the next fiscal year. The employee's choice as of July 1, 2001, shall govern for the duration of this agreement. New employees hired into this classification after March 12, 2001, shall receive Management Leave.

Section 16.2 Call Back

An employee recalled to work outside of and not continuous with regularly the employee's scheduled hours shall be paid a minimum of 2 hours at the rate of one and one-half times the employee's regular straight-time rate of pay. An employee shall not receive additional two-hour payments for multiple call backs which occur within one two-hour period. The classifications listed in Section 17.4 are not eligible for call-back compensation.

Section 16.3 Stand-By Duty

(a) An employee assigned to be on standby to answer calls outside of regularly scheduled hours shall receive two hours' pay at the regular straight-time rate of pay for each 16 hours of standby time.

(b) In addition to one straight time hour for each eight hours of standby duty, an employee assigned to such stand-by for not less than 16 hours on a holiday shall be entitled to eight straight time hours of pay or compensatory time off, employees may be assigned vehicles for their use subject to policies set by the City Council.

Section 16.4 Stand-by Living Radius

Employees occupying the classification of Field Supervisor shall, for purposes of standby assignment, be subject to the residency conditions detailed in "Stipulation and Order for Judgment, Case No. 347947," herein incorporated with the map in

Appendix "B." Such employees may be provided a City vehicle for the duration of said assignment, subject to remaining administrative policy provisions regarding use of City vehicles.

Section 16.5 Compensatory Time Off

Subject to approval by the department head, an employee may take compensatory time off for overtime worked in lieu of receiving overtime pay therefor. Except as noted in Section 16.3 regarding standby, compensatory overtime shall be calculated at the same rate as overtime. No employee may accumulate more than 40 hours compensatory time. In the event the employee earns comp-time in a pay period that will result in that employee exceeding the 40-hour balance, the additional hours (except those earned as straight-time compensatory time for standby duty) will be paid as overtime pay for that pay period.

Section 16.6 Weekend Work

Where the seasonal operating needs of a department make it necessary for some non-FLSA-exempt employees to work on Saturday and/or Sunday in lieu of the regular Monday through Friday workweek, such weekend work assignments shall be made on a rotational basis based on length of service with the City. To the extent possible, the assignment of weekend work shall be scheduled in advance of the work season.

Section 16.7 Work Performed on a Holiday

Any regular full-time employee who is required to work on any one of the holidays specified in the Memorandum of Understanding shall, in addition to receiving regular pay for such holiday, be paid two and one-half times the employee's regular straight-time rate of pay for all hours actually worked on such holiday; provided, however, that employees assigned standby duty as provided in "Section 16.3 Standby Duty" on such holiday shall receive one and one-half times their regular rate for all hours actually worked on such holiday. For purposes of this section, holidays will be those days on which the holiday is actually observed.

Section 16A. Holidays

Section 16A.1 Authorized Holidays

(a) The following are the authorized holidays:

New Year's Day	Labor Day
Martin Luther King Jr. Day	Veterans Day
Presidents' Day	Thanksgiving Day
Memorial Day	Day After Thanksgiving
Independence Day	Day Before Christmas
	Christmas Day

(b) If a holiday falls on a Sunday, such holiday shall be observed on the Monday following. If a holiday falls on a Saturday, such holiday shall be observed on the Friday before such Saturday.

(c) The following special rules shall apply to observance of Day Before Christmas:

If Christmas Day Falls on:	Day Before Christmas is observed on:
Monday	Tuesday following
Tuesday	Monday before
Wednesday	Tuesday before
Thursday	Friday after
Friday	Thursday before
Saturday	Thursday before
Sunday	Friday before

(d) Holidays for Library employees shall be observed in the following manner:

(1) If a holiday falls on a Friday or Saturday, employees who would be otherwise normally scheduled to work on Saturday shall be scheduled to get Friday, Saturday, and Sunday of that weekend as days off.

(2) If a holiday falls on a Sunday, it shall be observed on the following Monday. Employees who would otherwise be normally scheduled to work the previous Saturday would be scheduled to work the previous Friday instead.

(3) If a holiday falls on a Monday, employees who would otherwise normally be scheduled to work on Saturday shall be scheduled to work on the previous Friday and shall be scheduled to get Saturday, Sunday, and Monday as days off.

(4) If the City exercises its right to reschedule employees and open the library on a holiday weekend, employees who work on the holiday shall receive compensation as described in Section 16.4. If an employee works on such weekend, does not work on the holiday, and does not receive a day off with pay during such weekend, the employee will be allowed to take a day off with pay at a later time.

Section 16A.2 Personal Leave Bank

Each employee of this bargaining unit shall have a Personal Leave Bank. The bank shall be maintained by the Finance Department and reported to the employee by means of a payroll stub entry.

New employees shall begin with a balance of zero (0). Each year on the employee's birthday, the employee's leave bank shall be credited with eight (8) hours of personal leave. The leave bank shall also be credited with eight (8) hours of leave each year on February 12 and September 9, in recognition of prior holidays for Lincoln's Birthday and Admission Day, respectively. Similarly, on Good Friday each year the employee's leave bank shall be credited with four (4) hours of leave.

An employee desiring to take personal leave must make such request in writing to the department head at least seven (7) days prior to the proposed leave, unless otherwise agreed to by the City. Approval of such time off shall be subject to the operating requirements of the department in which the employee works.

Employees will be permitted to accumulate up to a maximum of forty-eight (48) hours in personal leave. An employee whose personal leave bank exceeds 48 hours as of April 9, 2001, will have the hours in excess of 48 transferred to a separate account. Such employee will have six months to develop a plan for using the balance in this account. Any hours not used will be paid to the employee at the employee's hourly rate as of April 9, 2001.

Employees will also be allowed to borrow against future accruals by overdrawing

the bank by up to twenty-four (24) hours. Upon termination of employment, an employee shall be paid in a lump sum for all hours remaining in the leave bank, at the employee's final straight-time rate. In the event that an employee leaves City employment with an overdrawn leave bank, the employee shall reimburse the City for the deficit, at the employee's final straight-time rate.

Section 16A.3 Holiday During Vacation

In the event any of the holidays specified in subsection 16A.1 occurs while an employee is on vacation, the holiday shall not be charged to vacation.

Section 17. Leaves

Section 17.1 Sick Leave

(a) Purpose. Sick leave shall not be considered a privilege which an employee may use at his or her discretion, but shall be allowed in case of necessity and actual sickness or disability, except as provided in paragraph (5) of subsection (b).

(b) Rate and conditions of accrual and utilization of sick leave

(1) For full-time employees, sick leave shall be accrued at the rate of eight hours for each calendar month of service, except as provided in paragraph (3). Employees on a 56-hour workweek shall accrue sick leave at a rate of 12 hours for each calendar month, except as provided in paragraph (3).

(2) There shall be no limitation on the amount of sick leave the employees of this bargaining unit may accumulate.

(3) Sick leave, vacation leave, and holiday leave shall not accrue when the employee is on leave without pay. When the employee is on leave for a period of thirty or more consecutive calendar days due to sickness or disability, sick leave shall not accrue.

(4) Employees of this bargaining unit shall be eligible to utilize sick leave upon accrual.

(5) In the event sick leave is taken by an employee instead of a leave of absence for industrial disability granted by state law where there is a bona fide dispute as to whether the disability is industrial, and such dispute is resolved in favor of the employee, any sick leave which was erroneously deducted from the employee's accumulated sick leave shall be restored to the employee.